

NOT RECOMMENDED FOR FULL-TEXT PUBLICATION

File Name: 10a0497n.06

No. 09-3165

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

FILED
Aug 11, 2010
LEONARD GREEN, Clerk

STEVEN HOOD,

Petitioner-Appellant,

v.

JULIUS WILSON, WARDEN,

Respondent-Appellee.

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ON APPEAL FROM THE
UNITED STATES DISTRICT
COURT FOR THE NORTHERN
DISTRICT OF OHIO

OPINION

BEFORE: COLE and McKEAGUE, Circuit Judges; MAYS, District Judge.*

PER CURIAM. Petitioner Steven Hood appeals the district court's denial of his petition for habeas corpus. Because Hood's period of incarceration has expired, we find the appeal is now moot. *See United States v. Waltanen*, 356 F. App'x 848, 851 (6th Cir. 2009) ("If a prisoner does not challenge the validity of the conviction but rather only challenges his sentence or some aspect of it, the request for relief is moot once the challenged portion of the sentence has expired.") (quoting *United States v. Goldberg*, 239 F. App'x 993, 994 (6th Cir. 2007)). The sole issue before this court is whether Hood's appellate counsel was ineffective for failing to challenge his sentence of incarceration pursuant to *State v. Foster*, 845 N.E.2d 470 (Ohio 2006). On February 6, 2006, Hood was sentenced to five years of incarceration, with eligibility for judicial release after serving four

*The Honorable Samuel H. Mays, Jr., United States District Judge for the Western District of Tennessee, sitting by designation.

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years. On February 24, 2010, Hood sent a letter to the court stating that he had been discharged from his prison term on February 22, 2010. Because he has served the challenged portion of his sentence, his petition is **DISMISSED** as moot.